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**Law**



**ALTERNATIVE DISPUTE RESOLUTION**

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OPR: SAF/GCQ (Mr. Joseph M. McDade, Jr.)

Certified by: SAF/GC (Mr. John P. Janecek)

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Maintaining a productive work environment in which disputes are settled quickly and at the lowest possible organizational level is essential to the effective functioning of the Air Force. This directive establishes policy for implementing and maintaining an Air Force Alternative Dispute Resolution Program. It implements DoD Directive 5145.5, *Alternative Dispute Resolution*, April 22, 1996. This directive applies to all activities in the Department of the Air Force.

1. As part of an effort to make the Federal Government operate in a more efficient and effective manner, and to encourage, where possible, consensual resolution of disputes and issues in controversy involving the Federal Government, the President and Congress have determined that each Federal agency must take steps to promote the greater use of alternative dispute resolution (ADR).

2. The goals of ADR are to:

2.1. Promote voluntary informal and consensual dispute resolution.

2.2. Promote creative, efficient, and sensible outcomes in dispute resolution.

2.3. Reduce the tangible and intangible costs, in time and resources, associated with dispute resolution.

3. It is Air Force policy to voluntarily use ADR to the maximum extent practicable and appropriate to resolve disputes at the earliest stage feasible, by the fastest and least expensive method possible, and at the lowest possible organizational level. Use of these techniques may resolve the entire issue in controversy or a portion of the issue in controversy.

4. This directive establishes the following responsibilities and authorities:

4.1. The Principal Deputy General Counsel of the Air Force is the Air Force Dispute Resolution Specialist (AFDRS) and shall:

4.1.1. Be the proponent for establishing and implementing Air Force ADR policy, guidance, and regulations.

- 4.1.2. Submit, manage, and execute the Air Force ADR Program budget.
- 4.1.3. Encourage, develop, and implement initiatives, activities, and training related to ADR throughout the Air Force.
- 4.1.4. Identify and eliminate unnecessary barriers to the use of ADR.
- 4.1.5. Ensure Air Force personnel are aware of and have access to existing ADR resources.
- 4.1.6. Prepare a summary report to the Secretary of the Air Force by December 30 of each year regarding progress made in implementing the Air Force ADR program.
- 4.1.7. Appoint a Deputy Dispute Resolution Specialist (AFDDRS) to assist the AFDRS in carrying out the foregoing responsibilities.
- 4.2. The AFDDRS will:
  - 4.2.1. Serve as the Department of the Air Force representative to the Department of Defense ADR Coordinating Committee.
  - 4.2.2. Serve as the Air Force liaison to such government and private-sector organizations as deemed appropriate by the AFDRS.
- 4.3. The AFDRS will work with the Assistant Secretary for Acquisition; the Assistant Secretary for Manpower, Reserve Affairs, Installations and Environment; the Assistant Secretary for Financial Management; the Administrative Assistant to the Secretary; the Assistant Vice Chief of Staff; the Deputy Chief of Staff for Personnel; the Deputy Chief of Staff for Installations and Logistics; and the Judge Advocate General to:
  - 4.3.1. Develop and revise periodically as appropriate a five-year plan for the Air Force ADR program.
  - 4.3.2. Ensure appropriate personnel receive ADR briefings and training.
  - 4.3.3. Support the development and implementation of the Air Force's ADR program.
  - 4.3.4. Secure resources necessary to implement the Air Force ADR policy and program.
  - 4.3.5. Develop policy guidance for the use of binding arbitration.
  - 4.3.6. Identify the need for amendment of existing Air Force Policy Directives and/or Air Force Instructions, or the development of new Air Force Policy Directives or Instructions, to provide for or facilitate the use of ADR, including in workplace disputes, contract disputes, grant disputes, environmental disputes, property disputes, and personal injury (torts) disputes.
  - 4.3.7. Develop metrics for the ADR Program.
- 4.4. Each MAJCOM, installation, FOA, and DRU commander shall appoint an ADR Advocate who will serve as the focal point for the coordination of ADR efforts within their respective organization. Subordinate activities and other appropriate organizations are also encouraged to establish their own ADR advocates.
- 4.5. SAF/AQ shall ensure that Air Force acquisition processes and regulations are reviewed to determine if any changes are required to authorize and encourage use of ADR.

**5.** See [attachment 1](#) for implementing and interfacing publications, and definitions of key terms used in this directive.

F. WHITTEN PETERS  
Acting Secretary of the Air Force

## Attachment 1

## GLOSSARY OF REFERENCES AND SUPPORTING INFORMATION

*References*

Public Law 104-320, *Administrative Dispute Resolution Act of 1996*, (110 Stat. 3870)

Executive Order 12988, *Civil Justice Reform*, February 5, 1996

Executive Order 12871, *Labor-Management Partnerships*, October 3, 1993

Executive Order 12979, *Agency Procurement Protests*, October 25, 1995

DoD Directive 5145.5, *Alternative Dispute Resolution*, April 22, 1996

Title 29, Code of Federal Regulations, Section 1614.105(f) and 1614.108(b), *Equal Employment Opportunity Commission Complaint Processing*, current edition

President of the United States Memorandum, *Alternate Means of Dispute Resolution*, May 1, 1998

Secretary of Defense Memorandum, *Alternative Dispute Resolution*, June 23, 1997

Secretary of the Air Force Memorandum, *Implementation of the Administrative Dispute Resolution Act of 1996*, April 21, 1998

AFPD 36-12, *Dispute Resolution*, September 27, 1993

AFI 36-2706, *Military Equal Opportunity and Treatment Program*, December 1, 1996

AFI 36-1201, *Discrimination Complaints*, July 25, 1994

AFI 36-1203, *Administrative Grievance System*, May 1, 1996

*Terms*

**ADR Advocate**—An official designated by the commander of a MAJCOM, installation, FOA, DRU, or other office or organization responsible for the implementation of the Air Force ADR Program for that organization.

**Alternative Dispute Resolution (ADR)**—Any procedures in which parties agree to use a third-party neutral to resolve issues in controversy, including but not limited to, facilitation, mediation, factfinding, minitrials, arbitration or use of ombuds, or any combination thereof.

**Deputy Dispute Resolution Specialist (DDRS)**—An Air Force employee who is designated by the Dispute Resolution Specialist to assist in implementing the Air Force's ADR policy and program.

**Dispute Resolution Specialist (DRS)**—The Principal Deputy General Counsel of the Air Force who is responsible for implementing the Air Force's ADR policy and program.

**Installation**—(DOD) A grouping of facilities, located in the same vicinity which support particular functions. Installations may be elements of a base.

**Issue in Controversy**—An issue which is material to a decision concerning an agency administrative matter and with which there is disagreement: (1) between an agency and persons who would be substantially affected by the decision; or (2) between persons who would be substantially affected by the decision.